

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

WAYMO LLC,

Plaintiff,

v.

UBER TECHNOLOGIES, INC.;
OTTOMOTTO LLC; OTTO TRUCKING
LLC,

Defendants.

CASE NO. 3:17-cv-00939-WHA

**STIPULATION TO TAKE CERTAIN
DEPOSITIONS AFTER AUGUST 24, 2017
AND [PROPOSED] ORDER**

1 WHEREAS, the Federal Circuit has not yet ruled on the pending appeal regarding the
2 Stroz due diligence report and the subpoena to Stroz Friedberg;

3 WHEREAS, the scope of certain depositions are significantly impacted by the outcome of
4 that ruling and documents that may be produced as a result; it may take up to four days for
5 Defendants to complete production of all such documents, and it will take a minimum of one week
6 for Stroz Friedberg to complete production of all such documents;

7 WHEREAS, the impacted depositions, and the Federal Circuit's ruling and documents that
8 may be produced as a result may also impact certain expert reports;

9 WHEREAS, the current fact discovery cut-off date and date for opening expert reports is
10 August 24;

11 WHEREAS, on August 15, 2017, Judge Alsup entered an Order Clarifying Judge Corley's
12 Authority to Set Depositions (the 'Order') (Dkt. 1208), stating that Judge Corley has the authority
13 to order additional depositions after the discovery cut-off date, August 24 (Dkt. 1208);

14 WHEREAS, the parties agree that the interests of judicial economy and justice are best
15 served by rescheduling the depositions of Eric Tate, Rudy Kim, Eric Friedberg, Travis Kalanick,
16 Angela Padilla, John Gardner, Lior Ron, Colin Sebern, and Anthony Levandowski until after the
17 discovery cut-off date, at mutually agreed-upon dates to be determined after the Federal Circuit's
18 ruling in the pending appeal;

19 WHEREAS, the parties agree that the depositions of Michael Janosko, Eyal Cohen, and
20 Ryan Espinosa, may be taken after the discovery cut-off date, at mutually agreed-upon dates, due
21 to the fact that these witnesses were not available for deposition in the period between when their
22 depositions were agreed to and the fact discovery cut-off.

23 THEREFORE, the parties stipulate as follows: the depositions of Eric Tate, Rudy Kim,
24 Eric Friedberg, Travis Kalanick, Angela Padilla, John Gardner, Lior Ron, Colin Sebern, Anthony
25 Levandowski, Michael Janosko, Eyal Cohen, and Ryan Espinosa, are ordered to occur at mutually
26 agreed-upon dates after August 24, 2017. The parties further agree that these depositions that
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1 occur after August 24 and the documents that may be produced as a result of the Federal Circuit's
2 ruling may impact expert reports.

3 This stipulation is without prejudice to either party seeking leave to take additional
4 depositions, including of witnesses who are deposed before the close of fact discovery, after the
5 close of fact discovery based on, among other things, the outcome of the Federal Circuit appeal.

6
7 IT IS STIPULATED.

8
9 DATED: August 20, 2017

QUINN EMANUEL URQUHART & SULLIVAN,
LLP

10 By /s/Charles K. Verhoeven

11 Charles K. Verhoeven

12 Attorneys for WAYMO LLC

13 DATED: August 20, 2017

BOIES SCHILLER FLEXNER LLP

14 By /s/ Edward H. Takashima

15 Edward H. Takashima

16 Attorneys for Defendants Uber Technologies, Inc.
17 and Ottomotto LLC

18 DATED: August 20, 2017

GOODWIN PROCTER LLP

19 By /s/ Indra Neel Chatterjee

20 Indra Neel Chatterjee

21 Attorneys for Defendant Otto Trucking, LLC

22 PURSUANT TO STIPULATION, IT IS SO ORDERED.

23
24
25 DATED: _____, 2017

Magistrate Judge Jacqueline Scott Corely

SIGNATURE ATTESTATION

Pursuant to Local Rule 5-1(i)(3), I attest under penalty of perjury that concurrence in the filing of this document has been obtained from Edward H. Takashima and Indra Neel Chatterjee.

/s/ Charles K. Verhoeven

Charles K. Verhoeven